
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

RODNEY KEVIN ALVA,
TDCJ 410417,

Plaintiff,

versus

TEXAS BOARD OF PARDONS AND PAROLES,
ET AL.,

Defendants

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CIVIL ACTION H-06-2450

Opinion on Dismissal

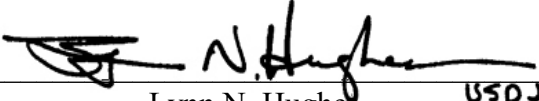
Rodney Kevin Alva sues as a pauper. 28 U.S.C. § 1915. He claims civil rights violations. 42 U.S.C. § 1983. Alva is incarcerated in a county jail.

Alva has sued nine other times in district court, including transfers. Three of these lawsuits were dismissed as frivolous or for failure to state a claim. *See Alva v. Ryan*, 4:92cv177 (E.D.Tex.); *Alva v. Kunkle*, 4:92cv197 (E.D.Tex.); and *Alva v. Patzke, et al.*, 1:02cv765 (W.D.Tex.). When Alva sued, he was confined in prison or jail. These other cases were dismissed before Alva filed this case.

A prisoner may not bring a civil action in federal court as a pauper if, while incarcerated, he brought three actions which were dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Alva's papers do not show such danger.

This civil rights complaint will be dismissed. 28 U.S.C. § 1915(g). Alva's motion to proceed as a pauper (2) and motion for notice to the defendants (6) are denied. This dismissal is without prejudice to Alva raising any habeas corpus claims after exhaustion of state court remedies.

Signed August 14, 2006, at Houston, Texas.


Lynn N. Hughes
United States District Judge

USDS